

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JEANETTE HURDLE,	:	
	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 02-2788
	:	
v.	:	
	:	
FAIRBANKS CAPITAL CORPORATION,	:	
et al.,	:	
Defendants.	:	

ORDER

AND NOW, this _____ day of _____, 2002, upon consideration of Defendant NationsCredit Financial Services Corp.'s Amended Motion to Dismiss and Compel Arbitration, it is hereby

ORDERED and **DECREED** that said Motion is **GRANTED** and this action is hereby **DISMISSED WITH PREJUDICE**.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JEANETTE HURDLE,

Plaintiff,

V.

**FAIRBANKS CAPITAL CORPORATION,
et al.**

Defendants.

CIVIL ACTION

NO. 02-2788

**DEFENDANT NATIONSCREDIT FINANCIAL SERVICES CORP.'S
AMENDED MOTION TO DISMISS AND COMPEL ARBITRATION**

Defendant NationsCredit Financial Services Corp. ("NationsCredit"), by and through its undersigned counsel, Reed Smith LLP, hereby submits this Amended Motion to Dismiss and Compel Arbitration ("Amended Motion") pursuant to the Order of this Court dated September 17, 2002 denying without prejudice NationsCredit's Motion to Dismiss and Compel Arbitration but granting leave to NationsCredit to file an Amended Motion limited to the issue of the cost of arbitration. Accordingly, NationsCredit avers as follows:

1. NationsCredit agrees to bear the costs and fees of arbitration chargeable to Plaintiff under the AAA Rules, excluding the costs and fees that Plaintiff would be obligated to pay in litigation regardless of her *in forma pauperis* status.

WHEREFORE, for all of the reasons stated herein and more fully set forth in NationsCredit's previously filed: (a) Motion to Dismiss and Compel Arbitration and accompanying Memorandum of Law; and (b) Reply in Support of its Motion to Dismiss and Compel Arbitration, Defendant NationsCredit Financial Services Corp. respectfully requests that this Court grant its Amended Motion to Dismiss and Compel Arbitration and enter an Order

compelling arbitration pursuant to the terms of the Arbitration Agreement and dismiss with prejudice Plaintiff's claims against Defendant NationsCredit Financial Services Corp.

Respectfully submitted,

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Counsel for Defendant
NationsCredit Financial Services Corp.

Dated: October 2, 2002

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 2nd day of October, 2002, a true and correct copy of Defendant NationsCredit Financial Services Corp.'s Amended Motion to Dismiss and Compel Arbitration was served by first class mail, prepaid postage, upon the following counsel of record:

Robert F. Salvin
Community Impact Legal Services, Inc.
14 E. Biddle Street
West Chester, PA 19380

(Counsel for Plaintiff
Jeanette Hurdle)

By: _____
Peter F. Giamporcaro